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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,747	09/25/2003	Il-Dong Park	P56942	4499

7590

09/09/2005

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EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,747

Applicant(s)

PARK ET AL.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This Office Action is made non-final.
2. Claims 7-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention as previously set forth.

It is noted that claim 8 requires the sewing done before the adhesive fully dries. This is not required in the container as claimed.

Furthermore, it is noted method claims is required further required to be searched in class 493. Thus, this would have a serious burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the reinforced material for the building paper (cl. 2, 16) the crate having a completely enclosed structure having stacks of paper folded and attached to one another in claims 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Claims 1-9, and 11-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to show how a stack of papers being joined with another stack of papers.

Applicant's response with respect to the term stack is further confusing. It seems that portion 60 is a part of the container and this part is a blank, not by a stack of paper. The term stack is defined as a pile of paper. In the very least portion 60 is not a stack of paper.

Regarding claim 4, applicant's explanation of the thread being unraveled is further confusing. It is noted that the threads in Fig. 6 would perforate the holes at 60, but not unraveling. Furthermore, it seems that the tab should be cut in order for the threads 40 to be unraveled. The specification fails to point out exactly what structure would enable the threads to be unraveled.

5. As best understood view of the 112 matters above, claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Rossman (2954913). Gardner teaches a carton that is made from two blanks. Garner meets all claimed limitations except for the stack of paper. Rossman teaches that it is known in the art to make a container from stack of

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papers, i.e., a plurality of layers. It would have been obvious to one of ordinary skill in the art to make the container Gardner from a stack of paper in as taught by Rossman to provide added strength.

Regarding the specificities of the thread, it would have been obvious to one of ordinary skill in the art to provide the thread in the claimed thickness and material such as nylon to provide the desired strength at the seam of the container.

Regarding claim 3, note that the term "reinforcing paper" one layer of corrugated material in Ross man is the reinforcing paper as claimed.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Gardner rejection, and further in view of Plummer (3370777). To the degree it is argued that the Gardner rejection does not teach the nylon threads, it would have been obvious to one of ordinary skill in the art to provide the threads from nylon as taught by Plummer to provide the desired material for the thread.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Gardner rejection, and further in view of either Chavanes (4232074) or Halsell (5285957). To the degree it is argued that the Gardner rejection does not teach the reinforced paper, it would have been obvious to one of ordinary skill in the art to provide reinforcement in the corrugated papers in the modified Gardner rejection, as taught by Chavanes or Halsell to provide added strength.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner rejection, as set forth above, and further in view of Bugnone (2933232). It would have been obvious to one of ordinary skill in the art to provide the tab in Gardner as taught by Bugnone to enable one to open the container easily.

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9. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Gardner rejection, and further in view of Annen. It would have been obvious to one of ordinary skill in the art to provide adhesive in addition to threads in Gardner rejection, as taught by Annen, (col. 2, ln. 9-10) to provide added strength.

10. Claims 5-6, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Gardner rejection, and further in view of Humphner. Humphner teaches that it is known in the art to provide adhesive (gum) to applied on the stitching after finished (page 1, ln. 44-45). It would have been obvious to one of ordinary skill in the art to fill the holes with adhesive as taught by Humphner to seal the openings.

11. Claims 1-3, 5-6, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levi (3370777) in view of Watson (4396118). Levi teaches a container made from two blanks of material. Levi meets all claimed limitations except for each of the blank is a stack of papers. Watson teaches that it is known in the art to provide a container from a stack of paper, i.e., corrugated material is made from at least two sheets of material. It would have been obvious to one of ordinary skill in the art to make the blanks in the container from a stack of papers in Levi as taught by Watson to provide added strength.

Regarding the specificities of the thread, it would have been obvious to one of ordinary skill in the art to provide the thread in the claimed thickness and material such as nylon to provide the desired strength at the seam of the container.

Regarding claims 5-6, and 12 it would have been obvious to one of ordinary skill in the art to provide synthetic adhesive in addition to the threads to provide added security.

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12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Levi rejection, and further in view of Plummer. To the degree it is argued that the Levi rejection does not teach the nylon threads, it would have been obvious to one of ordinary skill in the art to provide the threads from nylon as taught by Plummer to provide the desired material for the thread.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Levi rejection, and further in view of Halsell. To the degree it is argued that the Levi rejection does not teach the reinforced paper, it would have been obvious to one of ordinary skill in the art to provide reinforcement in the corrugated papers as taught by Halsell to provide added strength.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Levi rejection, as set forth above, and further in view of Bugnone (2933232). It would have been obvious to one of ordinary skill in the art to provide the tab in Levi as taught by Bugnone to enable one to open the container easily.

15. Claims 1, 2, 3, 5, 6, and 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter (1449467) in view of either Rossman or Stollberg (3850362). Walter teaches a container made from at least two blanks of material. Levi meets all claimed limitations except for each of the blank is a stack of papers. Either Rossman or Stollberg teaches that it is known in the art to provide a container from a stack of paper, i.e., corrugated material is made from at least two sheets of material. It would have been obvious to one of ordinary skill in the art to make the blanks in the container from a stack of papers in Walter as taught by Watson to provide added strength.

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Regarding the specificities of the thread in claims 13, 15, it would have been obvious to one of ordinary skill in the art to provide the thread in the claimed thickness and material such as nylon to provide the desired strength at the seam of the container.

Regarding claims 5, 6, 18, and 19, note the use of waxy substance (page 2, ln. 82-115).

16. Claims 2, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Walter rejection, and further in view of Plummer. To the degree it is argued that the Walter rejection does not teach the nylon threads, it would have been obvious to one of ordinary skill in the art to provide the threads from nylon as taught by Plummer to provide the desired material for the thread.

17. Claims 3, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Walter rejection, and further in view of either Chavanes or Halsell. To the degree it is argued that the Walter rejection does not teach the reinforced paper, it would have been obvious to one of ordinary skill in the art to provide reinforcement in the corrugated papers as taught by either Chavanes or Halsell to provide added strength.

18. Claims 5-6, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Walter rejection, and further in view of Humphner (2024224). To the degree it is argued that the wax in Walter is not the adhesive as claimed. Humphner teaches that it is known in the art to provide adhesive (gum) to applied on the stitching after finished (page 1, ln. 44-45). It would have been obvious to one of ordinary skill in the art to fill the holes with adhesive as taught by Humphner to seal the openings.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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